

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOUSING RIGHTS INITIATIVE

Plaintiff,

v.

COMPASS, INC. et al;

Defendants.

21-CV-2221 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

On March 25, 2022, a status conference was held in which plaintiff and numerous defendants appeared by telephone. For the reasons set forth at that conference, IT IS HEREBY ORDERED that:

1. E Realty International Corp.'s letter motion for leave to file a motion to dismiss the amended complaint (ECF No. 491) is denied;
2. E Realty International Corp.'s letter motion (ECF No. 515), as so supplemented (ECF No. 516), requesting dismissal of this action as against non-appearing defendants is denied. Plaintiff's service of the amended complaint to non-appearing defendants under Fed. R. Civ. P. 5(b) was proper because (i) it was "a pleading filed after the original complaint" under Fed. R. Civ. P. 5(a)(1)(B); and (ii) the amended complaint added no additional claims that would have triggered the Fed. R. Civ. P. 5(a)(2) requirement for Rule 4 service;
3. 1380 First Owners Co., L.P.'s motion for a more definitive statement (ECF No. 337) is denied;
4. Winzone Realty Inc., having appeared on March 24, 2022, will, on consent of plaintiff, have 10 days from today to answer or move in response to the amended complaint; and
5. If plaintiff moves for default judgments, plaintiff must (i) adhere to Rule 4 of this Court's individual rules for seeking default judgment; (ii) ensure that notice to the adverse party shall be by certified mail with return receipt requested; and (iii) include an affidavit setting forth its efforts to notify that defendant of the action and the request for default judgment.

Dated: New York, New York

March 25, 2022

SO ORDERED:



Sidney H. Stein, U.S.D.J.